IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

Civil Revision No.104 of 1990

Date of Decision: 6.12.2006

Harbhajan Singh

Petitioner

versus

The Makhu Zimindara Cooperative Marketing-cum-Processing Society Limited Makhu

Respondent

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

Present: Shri Anurag Chopra, Advocate for the petitioner
Shri Ajay Jain, Advocate for the respondent

Jasbir Singh, J. (Oral)

This revision petition has been filed against order passed by the appellate authority, vide which, order dated 3.11.1988, dismissing application of the respondent for ejectment of the petitioner, was reversed.

It is apparent from the records that the respondent filed an application under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 (in short the Act), for ejectment of the petitioner from the shop, in dispute. It was case of the respondent that on the basis of rent note, executed by the petitioner, the shop was let out to him by the respondent on 5.1.1982. The rent was fixed @ Rs.150/- per month w.e.f. 1.11.1981. For ejectment, non-payment of rent, was pressed as a ground. The petitioner put in appearance and denied title of the respondent. The trial Court dismissed the application on the ground that it is not open to the Rent Controller to

decide question of title between the parties. In appeal, judgment was reversed. It is not in dispute that the shop was let out to the petitioner, on the basis of a rent note executed by him in favour of the respondent Society. It was contention of the petitioner that rent deed was got executed by playing a fraud on him but he has failed to prove anything on record in that regard. Once the petitioner had taken the demised premises on rent, by accepting the respondent-Society as owner, subsequently, it does not lie in his mouth to say that the respondent was not owner of the property. Otherwise also, a finding of fact has been given by the appellate authority that the land underneath the shop does not form part of khasra No.77/2. It has further been said that except oral denial, there exists no other evidence on record to show that respondent-Society was not owner of the property, in dispute. Admittedly, rent has not been paid. This Court feels that the findings given by the appellate court are perfectly justified and need no interference.

Dismissed.

December 06, 2006 **(Jasbir Singh)**
gk **Judge**